IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINMAL APPLICATION NO.6321 OF 2005

Rafiq Roshanlal Shaikh : Applicant.

versus

State of Maharashtra : Respondent.

Mrs.Nasreen Ayubi as amicus curie for applicant.
Ms.S.V.Gajre, APP, for the State/respondent.

CORAM : V.M.KANADE, J.

DATED : 13th January 2006.

P.C.

1. This is an application filed by the applicant through jail. The learned APP appearing on behalf of the State/respondent, after taking instructions, submits that the applicant was convicted by the trial court and

was sentenced to undergo seven years R.I. for the offences punishable under sections 395 and 397 of the Indian Penal Code and he was also directed to pay fine and in default further to undergo six months S.I. She submits that the applicant was arrested on 29th June 1998 and he has already undergone the sentence of seven years and six months and, in view of this, the application has become infructuous. The letter was sent by the applicant on 6th July 2005. In view of the submissions made by the learned APP appearing for the State, this application has become infructuous.

2. The Superintendent of Jail, however, is directed to ensure that if the applicant is not released, he be released after ascertaining that he has undergone sentence awarded by the trial Court unless he is otherwise required in any other case. Application is disposed of accordingly.

[V.M.KANADE,J]